

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ARTHUR MOSES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 21-670
	)	
UNITED PARCEL SERVICE, INC.,	)	Magistrate Judge Dodge
	)	
Defendant.	)	

**ORDER**

Pro se plaintiff Arthur Moses (“Moses”) alleges that Defendant United Parcel Service, Inc. (“UPS”) discriminated against him on the basis of his race and subjected him to a hostile work environment.

By order dated July 17, 2022 (ECF 55), the Court established a schedule for filing dispositive motions.<sup>1</sup> Since then, Moses has filed three documents with the heading “Motion for Summary Judgment.” First, on August 1, 2022, several weeks prior to the deadline set by the Court for UPS to file a motion for summary judgment, Moses filed a document styled as a Motion for Summary Judgment (ECF No. 56). This three-page document failed to comply with Rule 56 of the Federal Rules of Civil Procedure, this Court’s Local Rule 56.1 and the Practices and Procedures of the undersigned. Therefore, on August 2, 2022, the Court entered an order (ECF No. 57) notifying Moses about the deficiencies in his filing and giving him until August 16, 2022 to supplement his motion.

On August 5, 2022, Moses submitted a second “Motion for Summary Judgment” (ECF No. 58). This document was substantially similar to the first one, the main difference being that

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<sup>1</sup> During a conference with the Court, UPS indicated its intent to file a dispositive motion. As Moses did not indicate that he planned to do so, the scheduling order only set deadlines for UPS’s motion. However, Moses is within his rights to move for summary judgment and the same deadlines have been applied to his motion.

it included numbered paragraphs and attached certain exhibits, some of which have been removed from public view because they contain personal identifiers. In addition, he filed a three-page “Memorandum.”

Finally, he submitted a “Renewed Summary Judgment Motion” (ECF No. 65) on August 17, 2022, one day after the deadline by which he could supplement his motion. Again, this motion is substantially similar to what he previously submitted, with minor differences in some of the numbered paragraphs and the addition of a new paragraph of information. He also submitted a “Memorandum support of sanctions under rule 1 of Civil Procedure” (ECF No. 66).<sup>2</sup> Despite its title, this submission appears to reference UPS’s motion for summary judgment and/or matters raised in his previous motions.

Plaintiff offers no justification for filing three separate motions and the Court is unable to determine which of his filings represent the supplement that he was permitted to file. Thus, having carefully reviewed and compared these documents, the Court concludes that it is appropriate to consider the August 5, 2022 submission as Moses’ motion for summary judgment. It is the most comprehensive of the three submissions and attaches the exhibits to which he references.

Therefore, this 18th day of August, 2022, it is ORDERED as follows:

(1) Moses’ first motion for summary judgment (ECF No. 56) is dismissed.

(2) Moses’ third motion for summary judgment (ECF No. 65) is dismissed.

(3) As stated in the August 2, 2022 order, Moses may file a single reply brief in support of his motion for summary judgment no later than September 30, 2022, and only after UPS files

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<sup>2</sup> Moses has not submitted a motion for sanctions. In addition, Rule 1 of the Federal Rules of Civil Procedure, which simply defines the scope and purpose of the Federal Rules, does not provide a basis for seeking sanctions in any event. *See Williams v. Overmyer*, 2019 WL 652433, at \*1 n.1 (W.D. Pa. Feb. 15, 2019).

any response to his motion. **Moses shall not file any other documents in support of his motion for summary judgment without seeking leave of court.**

BY THE COURT:

/s/Patricia L. Dodge

PATRICIA L. DODGE

United States Magistrate Judge